

MINUTE ORDER

CASE NUMBER: CIVIL NO. 21-00243 LEK-RT

CASE NAME: Hawaiian Kingdom v Joseph Robinette Biden, Jr. et al.,

JUDGE: Leslie E. Kobayashi

DATE: 11/23/2021

COURT ACTION: EO: COURT ORDER REGARDING THE EFFECT OF PLAINTIFF'S AMENDED COMPLAINT ON THE MOTIONS PENDING BEFORE THE COURT

On May 20, 2021, Plaintiff Hawaiian Kingdom ("Plaintiff") filed its Complaint for Declaratory and Injunctive Relief ("Complaint"). [Dkt. no. 1.] On July 1, 2021, Defendants Derek Kawakami, Arryl Kaneshiro, and County of Kaua'i ("Kaua'i Defendants") filed their Motion to Dismiss Plaintiff's Complaint for Declaratory and Injunctive Relief Filed on May 20, 2021 [ECF No. 1] ("Motion to Dismiss"). [Dkt. no. 15.] On July 6, 2021, Defendants County of Hawai'i, Mitchell Roth, and Maile David ("Hawai'i Defendants") filed a substantive joinder in the Kaua'i Defendants' Motion to Dismiss ("Hawai'i Joinder"). [Dkt. no. 17.] On July 12, 2021, Defendants Michael Victorino, Alice L. Lee, and County of Maui ("Maui Defendants") filed a substantive joinder in the Kaua'i Defendants' Motion to Dismiss ("Maui Joinder"). [Dkt. no. 26.]

On August 11, 2021, Plaintiff filed its Amended Complaint for Declaratory and Injunctive Relief ("Amended Complaint"). [Dkt. no. 55.] The Amended Complaint no longer lists the Kaua'i Defendants, the Hawai'i Defendants, or the Maui Defendants as defendants in the present action. On September 21, 2021, Defendant Anders G.O. Nervell ("Nervell") filed his Motion to Dismiss Amended Complaint for Declaratory and Injunctive Relief as to Anders G.O. Nervell ("Nervell Motion"). [Dkt. no. 74.] Because Plaintiff filed the Amended Complaint, the original Complaint is now treated as if it no longer exists. See Lacey v. Maricopa Cnty., 693 F.3d 896, 925 (9th Cir. 2012) (en banc) (stating that an "amended complaint supersedes the original, the latter being treated thereafter as non-existent" (citation and quotation marks omitted)). The Motion to Dismiss, the Hawai'i Joinder, and the Maui Joinder, which all address the original Complaint, are therefore DENIED AS MOOT.

The ruling regarding the Motion to Dismiss, the Hawai'i Joinder, and the Maui Joinder does not affect the Nervell Motion. The Nervell Motion remains under advisement.

IT IS SO ORDERED.

Submitted by: Agalelei Elkington, Courtroom Manager